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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,291	09/25/2003	George Liang	2003P14216US	4268
7590 Siemens Corporation Intellectual Property Department 170 Wood Avenue South Iselin, NJ 08830			EXAMINER PATEL, VISHAL A	
			ART UNIT 3676	PAPER NUMBER
			MAIL DATE 03/23/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10671291	9/25/2003	LIANG, GEORGE	2003P14216US

Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, NJ 08830

**EXAMINER**

Vishal Patel

ART UNIT	PAPER
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3676	20090321
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DATE MAILED:

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**Commissioner for Patents**

The reply filed on 12/19/08 is non-responsive for the same reason presented in office action sent on 11/19/08.

No new time period is set from the Office Action Sent on 7/25/08.

See attached pages of response.

/Vishal Patel/  
Primary Examiner, Art Unit 3676

### **DETAILED ACTION**

Applicants' response filed on 12/19/08 is still non-responsive. The examiner did not provide the option that applicant can elected between the two groups. The examiner stated that applicant originally elected the invention of an outer seal assembly and not combination of a turbine engine with seal components. Applicant should provide claims directed to an outer seal assembly.

The amendment filed on 6/9/08 is still non-responsive and no new time period is set from the office action sent on 7/25/08 (notice of non-responsive).

### ***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-3, 5-17 and 21-24 which are now canceled, drawn to an air seal assembly, classified in class 277, subclass 409.
  - II. Claims 25-46, drawn to an engine turbine section, classified in class 415, subclass 171.3.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions II and I are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because all the limitations of claim 1 are not required by the combination (see claim 1

and claim 25). The subcombination has separate utility such as being used in a non turbine section and could be used in a compressor or pump environment.

The examiner has required restriction between combination and subcombination inventions. Where applicant elects a subcombination, and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

3. Newly submitted claims 25-46 (filed on 6/9/08) are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The invention now claimed is directed to a combination of a seal assembly and at least one turbine engine blade which is part of the turbine (e.g. lines 12-13 positively claim the blade) and the originally elected invention is an outer air assembly. **Applicant should provide claims directed to the originally elected invention, which is to an air seal assembly.**

**Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits.** Accordingly, claims 25-46 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is 571-272-7060. The examiner can normally be reached on 6:30am to 8:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer H. Gay can be reached on 571-272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/V. P./  
Primary Examiner, Art Unit 3676

/Vishal Patel/  
Primary Examiner, Art Unit 3676